

REMARKS

Applicant thanks the Examiner for the thorough consideration given the present application. Claims 1-10 are currently being prosecuted. The Examiner is respectfully requested to reconsider his rejections in view of the amendments and remarks as set forth below.

Allowable Subject Matter

It is gratefully acknowledged that the Examiner considers the subject matter of claims 7-9 as being allowable if rewritten overcome the indefinite rejections and to include the limitations of the base claims in which they depend. Applicant has not yet rewritten these claims in independent form since the claims from which they depend are now considered to be allowable.

Specification

The Examiner objected to the abstract as using legal phraseology. By way of the present amendment, Applicant has changed the word “comprises” to “includes” as suggested. Applicant also changed “means” to “device”. Accordingly, this objection is believed to be overcome.

Pending Claim Objections

The Examiner objected to claims 1, 5, 7 and 8 due to informalities. In regard to claims 1-7, Applicant amended the objectionable phrases indicated as lacking antecedent basis by the Examiner. In regard to claim 8, the dependency of this claim has now been changed to only dependent from claim 7. Likewise, claim 5 as being amended to depend from claim 1.

Claim Rejections – 35 USC § 112

Claims 1-4 and 6-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite. This rejection is respectfully traversed.

In regard to claims 1 and 6, Applicant has change “the” to “a” or “an” in order to avoid the antecedent basis problem. In regard to claim 7, Applicant has amended the phrase as suggested by the Examiner. Likewise, regarding to claim 9, Applicant has adopted the suggested phrase of the Examiner.

Claim Rejections – 35 USC § 102

Claims 1, 2 and 6 been rejected under 35 U.S.C. 102(b) as being anticipated by Dalebout (6,033,347). This rejection is respectfully traversed.

The Examiner points out that the Dalebout discloses a treadmill having a frame, an endless belt arranged around two rolls on the frame, means for turning the belt and adjusting the tilt of the belt and hand support structure (46) having a support part (40) on both sides and low supports (62,68) which are turnably pivoted to the frame by means of a transverse shaft. Applicant disagrees that the present claims are anticipated by this reference. In the Dalebout et al. reference, the upright (40) is connected at the lower end to leg (62), which pivots around its lower end and is further connected to stabilizer (68). When the treadmill is moved to the storage position, frame (22) rotates about the shaft indicated as (A) in the Examiner’s action. However, the entity of the uprights (40) and legs (62) and stabilizers (68) do not rotate about the shaft. The stabilizer member is fastened to the base (62) and does not rotate at all. This differs from the present invention where the support parts 10 and low frame 12 turned pivotally around the frame

(1), so that when the frame has lifted, the entity turns around shaft (14), so that the ends of the low support rest against the floor and forms support points to keep the frame upright. Dalebout does not show such a structure but instead shows a structure in which the frame is pivoted to the base by means of a shaft (A) and where the uprights (40) are connected to stabilizers 68 by way of legs 62.

In the present amendment, the last part of claim 1 has been amended to make it clear that when the frame is lifted upright on one end, the entity of the support parts and the low frame turns with respect to the floor and in relation to the frame around the transverse shaft, so that the ends of the low supports rest against the floor and forms points of support. This is clearly not seen in the Dalebout et al. reference. Since these features are not shown in Dalebout et al., Applicant submits that claim 1 is allowable.

Claims 2-10 depend from claim 1 and as such are also considered to be allowable.

Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Lo (6,905,443). This rejection is respectfully traversed.

Examiner stated that Lo shows a treadmill with a frame (2), a belt arranged around two rolls on the frame, means for turning the belt and means for adjusting the tilt. A hand support structure (13) having a support part (12) on both sides of the frame, form an entity where the entity is turnably pivoted to the frame by means of a transverse shaft (313).

Applicant submits that claims 1-4 are now anticipated by this reference. In the Lo reference, the support parts 12 and low supports 11 are fixed, in relation to the floor while the frame with the belt turns about axis 313. Thus, the columns 12 and sidebars 11 are not pivoted. Applicant submits that claim 1 as amended is not anticipated by this reference. Thus, the

language amended at the end of claim 1 now points out when the frame is lifted, the entity formed by the support parts and low frame turns with respect to the floor and in relation to the frame around the transverse shaft. This is not seen in Lo. Accordingly, Applicant submits that claim 1 is allowable over this reference as well.

Claims 2-10 depend from claim 1 and as such are also considered to be allowable.

Claim 10 has been added to further point out that the support parts and the low supports are fixed in relation to each other. This differs from the Dalebout et al. device where the support parts and low supports rotate in relation to each other. Thus, this claim is considered to be additionally allowable.

CONCLUSION

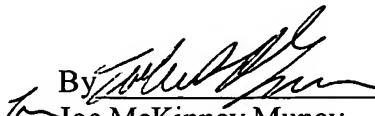
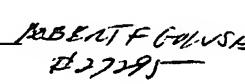
In view of the above remarks, it is believed that the claims clearly distinguish over the patents relied on by the Examiner. In view of this, reconsideration of the rejections and allowance of all of the claims is respectfully requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Robert F. Gnuse (Reg. No. 27,295) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

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